

JUDICIAL DISCIPLINE & DISABILITY COMMISSION

Enabling Laws

Act 66 of 2016

A.C.A. §21-5-204 et seq.

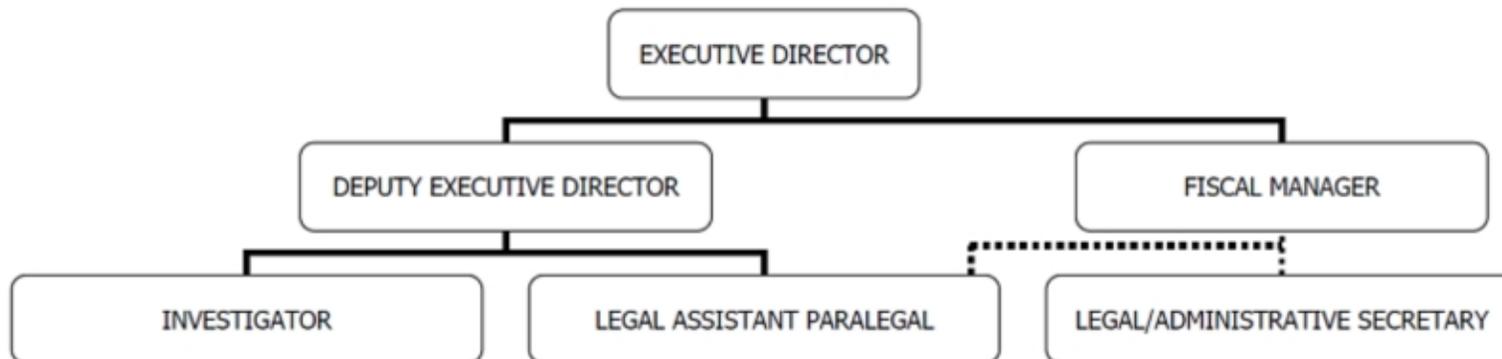
A.C.A. §21-5-101 et seq.

History and Organization

The Arkansas Judicial Discipline and Disability Commission was created by the passage of Amendment 66 to the Arkansas Constitution in November 1988. This amendment was proposed by Senate Joint Resolution 5, and was adopted at the 1988 general election. Act 637 of 1989, the enabling legislation of the Commission, is A.C.A. §16-101-401 et seq.

The Arkansas Judicial Discipline and Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's purpose is to help enforce the high ethical standards of judicial conduct on and off the bench, and thereby preserve both the integrity of judges, and public confidence in the courts. In performing its functions, the Commission strives to maintain the necessary balance between judicial independence and public accountability.

The Arkansas Judicial Discipline and Disability Commission created a Judicial Ethics Advisory Committee on July 1, 1991. This committee issues advisory opinions to all judges and judicial candidates on matters concerning ethical issues. The committee allows individuals to receive advice on how to act appropriately in future matters.



Agency Commentary

The Arkansas Judicial Discipline and Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's mission is to help enforce high standards of judicial conduct on and off the bench, in so doing preserve both the integrity of judges and public confidence in the judicial system.

In Fiscal Year 2016, the Arkansas Judicial Discipline and Disability Commission received 298 complaints against Arkansas judges. In a single year, the Commission investigated two high-profile cases that received national and international attention. The Commission's greatest resource, its employees, were utilized to the point of exhaustion both physically and emotionally. Because of the nature of the complaints and its sensitive subject matter, there will be a long lasting effect on the staff and members of the Commission. The Commission remained ethically and fiscally responsible to the citizens of the State of Arkansas by operating within means and proving to be accountable when audited. The Commission was able to enlist the services of other state agencies such as the Arkansas Attorney General's Office, the Department of Human Services, and Arkansas State Police as well as other Federal law enforcement agencies while investigating the cases. By doing so, the Commission was able to save money.

The Commission is not seeking to increase appropriations for FY18 and FY19. The Commission was able to negotiate an office lease agreement for the next three (3) years without an increase in monthly payments.

Audit Findings

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION
FOR THE YEAR ENDED JUNE 30, 2014

Findings

Financial Management Guide regulation R1-19-4-903 states in part "The maximum full day meal allowance (including tax and up to 15% tip) cannot exceed the federal per diem rate

Recommendations

We recommend the Agency implement procedures to ensure compliance with all state and federal travel regulations. We also recommend the agency seek reimbursement for the

DIVISION OF LEGISLATIVE AUDIT
AUDIT OF :
ARKANSAS JUDICIAL DISCIPLINE AND DISABILITY COMMISSION
FOR THE YEAR ENDED JUNE 30, 2014

Findings

depending on the destination location. The traveler is only eligible for 75% of the daily allowance for meals on the first and last day of travel. Reimbursement for lodging is limited to the single room rate. The maximum daily [hotel room] allowance will be limited to the federal per diem rate depending on the location." In addition, Financial Management Guide regulation R5-19-4-904 states "The expense reimbursement for board or commission members shall not exceed the rate established for state employees." A review of travel reimbursements for six travelers revealed the following:

- Four of the travelers did not have completed travel reimbursement (TR-1) forms for all of the reimbursed travel expenses.
- TR-1's for five of travelers had not been signed by the individual requesting reimbursement.
- Travel expense reconciliations were not completed for trips with direct billed charges and travel reimbursements.
- Hotel reimbursements totaling \$388 exceeded the maximum allowable rates.
- Five travelers were reimbursed \$1,260 for additional hotel night stays without special authorization or written justification.
- Meal reimbursements totaling \$449 exceeded the daily maximum per diem amounts.

Recommendations

unallowable hotel and meal expenses.

Agency Response:

The Commission has strengthened its controls in travel reimbursement by utilizing the TR-1 Claim and the Travel Expense Reconciliation forms for all travel-related expenses. The Commission hopes that this method will better account for the total cost of training and educating Commission members. The new method will require that Commission members verify and sign both the TR-1 Claim and the Travel Expense Reconciliation forms before payment.

State Contracts Over \$50,000 Awarded To Minority Owned Businesses Fiscal Year 2016

None

Employment Summary

	Male	Female	Total	%
White Employees	2	2	4	67 %
Black Employees	0	2	2	33 %
Other Racial Minorities	0	0	0	0 %
Total Minorities			2	33 %
Total Employees			6	100 %

Publications

A.C.A. 25-1-201 et seq.

Name	Statutory Authorization	Required for		# of Copies	Reason(s) for Continued Publication and Distribution	Unbound Black & White Copies Produced During the Last Two Years	Cost of Unbound Copies Produced During the Last Two Years
		Governor	General Assembly				
Annual Mission Statement	A.C.A. §16-10-404	Y	Y	10	Required by Law	0	0.00
Annual Report	A.C.A. §16-10-404	Y	Y	150	Required by Law	0	0.00

Agency Position Usage Report

FY2014 - 2015						FY2015 - 2016						FY2016 - 2017					
Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused	Authorized in Act	Budgeted			Unbudgeted Total	% of Authorized Unused
	Filled	Unfilled	Total				Filled	Unfilled	Total				Filled	Unfilled	Total		
6	6	0	6	0	0.00 %	6	6	0	6	0	0.00 %	6	5	1	6	0	16.67 %

Analysis of Budget Request

Appropriation: 913 - Judicial Discipline - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

The Arkansas Judicial Discipline & Disability Commission receives and investigates information and complaints about the possible ethical misconduct or disability of Arkansas judges. The Commission's purpose is to help enforce the high standards of judicial on and off the bench, and thereby preserve both the integrity of judges, and public confidence in the courts. In performing its functions, the Commission strives to maintain the necessary balance between judicial independence and public accountability. This appropriation is funded entirely by General Revenue.

Base Level Regular Salaries and Personal Services Matching include the continuation of the previously authorized 2017 Salaries and Career Service Payments for eligible employees. Personal Services Matching includes the monthly contribution for State employee's health insurance for a total State match per budgeted employee of \$420 per month. Base Level salaries and matching do not include appropriation for a Cost of Living Adjustment or Merit Pay Increases.

Base Level includes appropriation and general revenue funding of \$684,787 in FY18 and \$685,032 in FY19 with six (6) Regular positions.

The Executive Recommendation provides for the Agency Request.

Appropriation Summary

Appropriation: 913 - Judicial Discipline - Operations

Funding Sources: HUA - Miscellaneous Agencies Fund

Historical Data

Agency Request and Executive Recommendation

Commitment Item	Historical Data			Agency Request and Executive Recommendation			Agency Request and Executive Recommendation		
	2015-2016 Actual	2016-2017 Budget	2016-2017 Authorized	2017-2018			2018-2019		
				Base Level	Agency	Executive	Base Level	Agency	Executive
Regular Salaries 5010000	384,889	372,326	368,672	372,326	372,326	372,326	372,526	372,526	372,526
#Positions	6	6	6	6	6	6	6	6	6
Personal Services Matching 5010003	115,093	112,710	113,081	114,796	114,796	114,796	114,841	114,841	114,841
Operating Expenses 5020002	80,609	88,720	88,720	88,720	88,720	88,720	88,720	88,720	88,720
Conference & Travel Expenses 5050009	8,741	8,125	8,125	8,125	8,125	8,125	8,125	8,125	8,125
Professional Fees 5060010	38,646	72,740	84,665	72,740	72,740	72,740	72,740	72,740	72,740
Data Processing 5090012	0	0	0	0	0	0	0	0	0
Capital Outlay 5120011	0	0	0	0	0	0	0	0	0
Investigator Expenses 5900046	15,513	28,080	28,080	28,080	28,080	28,080	28,080	28,080	28,080
Total	643,491	682,701	691,343	684,787	684,787	684,787	685,032	685,032	685,032
Funding Sources									
General Revenue 4000010	643,491	682,701		684,787	684,787	684,787	685,032	685,032	685,032
Total Funding	643,491	682,701		684,787	684,787	684,787	685,032	685,032	685,032
Excess Appropriation/(Funding)	0	0		0	0	0	0	0	0
Grand Total	643,491	682,701		684,787	684,787	684,787	685,032	685,032	685,032